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C O N F I D E N T I A L RANGOON 001653

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TAGS: [PGOV](#) [PHUM](#) [BM](#) [ASSK](#) [NLD](#)

SUBJECT: NLD LEADERS FORMING LEGAL CASE TO RELEASE ASSK

REF: RANGOON 1574 AND PREVIOUS

Classified By: CDA, a.i. Ronald McMullen for Reasons 1.5 (B,D)

11. (C) Summary: According to NLD sources, released CEC members are consulting with party lawyers on building a possible legal case to press for the release of ASSK and other NLD officials. Using Burma's opaque court system is unlikely to get the SPDC to budge, but legal action could generate renewed domestic attention to the plight of the NLD movement, if not indirect pressure on the regime to deal with ASSK. End summary.

12. (C) We met briefly on December 30 with NLD senior official U Nyunt Wei to pass on holiday greetings and discuss recent developments. The five NLD Central Executive Committee (CEC) members released in late November continue to meet on a daily basis to discuss party business and strategies. Although military intelligence (MI) officers merely surveilled our meeting with U Nyunt Wei from a polite distance, they outright rebuffed our attempts on the same day to visit NLD Chairman U Aung Shwe and family members of NLD Vice Chairman U Tin Oo. Both of the latter NLD leaders have been detained since the May 30 Depeyin attack (U Aung Shwe is under house arrest in Rangoon and U Tin Oo is in a Sagaing Division prison).

13. (C) According to NLD sources, the released members of the NLD CEC are consulting with party lawyers and building a legal case to press the SPDC to free their colleagues. In addition to U Aung Shwe and U Tin Oo, NLD General Secretary Aung San Suu Kyi and NLD Secretary (and spokesperson) U Lwin remain under house in Rangoon.

14. (C) U Nyunt Wei told us that the legal tact stems in part from press reports that the SPDC claims to have extended an invitation to the NLD to attend an imminent National Convention. "There has been no such invitation," U Nyunt Wei said, "but should there be one, we will insist that we must be able to consult with our leadership in order to form an official reply." U Nyunt Wei added that while the released NLD CEC members are able to meet together and move about Rangoon, they are still precluded from meeting or communicating with ASSK.

15. (C) U Nyunt Wei also said that the "CEC Five" had recently sent letters to participants in the December 15 Thai-sponsored Burma meeting. The released leaders have requested debriefings on the Bangkok discussions and they have to date received affirmative replies from the French and the Italians. U Nyunt Wei noted that the CEC request to the Chinese Embassy was their second such correspondence, the first was sent in early December at our suggestion as a means to engage the Chinese, but the NLD had to date received no official reply to either letter.

16. (C) Comment: Despite the legal merits of addressing the prolonged detention and house arrest of NLD leaders, using Burma's opaque, Dickensian court system to seek the release of ASSK and her colleagues is unlikely to get the SPDC to budge. However, ASSK has employed this tactic before and successfully put the regime on the defensive. It is probable she has personally directed the released CEC members to consult with the lawyers on making a possible legal case. In the absence of any visible progress in the rumored, but unconfirmed, "secret" dialogue between ASSK and the SPDC generals, a court case would generate renewed domestic attention to the plight of the NLD movement, if not indirect pressure on the regime to deal with ASSK. End comment.
McMullen